

Dean,
Greer,
Lawhon,

Whitaker,
Woods.

Senator Douglass moved to table the Crowley amendment.

Tabled by the following vote:

YEAS—14.

Agnew,
Atlee,
Boren,
Cranford,
Dickson,
Douglass,
Goss,

Hutchison,
Jester,
Kearby,
Presler,
Smith,
Steele,
Yoakum.

NAYS—7.

Bowser,
Crowley,
Imboden,
McComb,

Shelburne,
Simpson,
Tips.

ABSENT—1.

Lewis.

EXCUSED—9.

Baldwin,
Browning,
Dean,
Greer,
Lawhon,

McKinney,
Swayne,
Whitaker,
Woods.

By Senator Dickson:

Amend by striking out 14, 15, and 16 and inserting "\$5000 for the necessary repairs on the Governor's mansion and grounds."

Lost.

STATE DEPARTMENT.

By Senator Dickson:

Amend by striking out line 8.

Lost.

By Senator Imboden:

In line 2, strike out "\$1800" and insert "\$1950."

Lost by the following vote:

YEAS—5.

Crowley,
Imboden,
Kearby,

McComb,
Tips.

NAYS—17.

Agnew,
Atlee,
Boren,
Bowser,
Cranford,
Dickson,
Douglass,
Goss,
Hutchison,

Jester,
Lewis,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Yoakum.

EXCUSED—9.

Baldwin,
Browning,
Dean,
Greer,
Lawhon,

McKinney,
Swayne,
Whitaker,
Woods.

On motion of Senator Yoakum, the Senate adjourned till to-morrow morning at 10 o'clock.

SIXTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 22, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—28.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Cranford,
Crowley,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Tips,
Woods,
Yoakum.

ABSENT—1.

Whitaker.

EXCUSED—2.

Dean,

Swayne.

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father: Grant us the power to transform all human experiences into stepping stones to Thee. Show the rich man how to make his gold the brighter by the stamp of an honest stewardship; and teach the poor man to cry with trustful courage, "Give us this day our daily bread." What time we dwell in sunshine, may our hearts be as censers whose incense wins the benediction of the skies; and in thick clouds and darkness, may we only cling the closer to the blessed hands outstretched in mercy toward us. May the praises of the world fill our hearts with humility, and calumnies but robe our souls with patience. Yea, may we be able to bless them that curse us, and pray for them that despitefully use us, and may death but end a triumph march in a coronation scene and prove that in life and death all things work together for good to them that love God. And to Thy great name be praise and glory now and always. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Atlee, the reading of the same was suspended.

On motion of Senator Imboden, the journal of yesterday, page 441, was corrected to show that his amend-

ment was \$100,000, instead of \$1,000,000.

On motion of Senator Atlee, the journal of yesterday, page 439, was corrected to show that the bill to article 426 of the Revised Civil Statutes, etc., was introduced by himself, instead of Senator Agnew.

On motion of Senator McComb, the journal of yesterday was corrected to show that in the afternoon session he was excused up to call of Senate because of sickness in his family.

On motion of Senator Kearby, the journal of yesterday, page 439, was corrected so as to show that when Senator Cranford moved the previous question on Senator Kearby's motion to reconsider the vote by which the Senate concurred in House amendments to Senate bill No. 4, and to lay that motion on the table, "which was duly seconded and prevailed," and

"The motion to reconsider was then tabled."

On motion of Senator Jester, the journal of yesterday was corrected to show that he, and not Senator Swayne, moved to suspend the further reading of the journal.

On motion of Senator Baldwin, the journal of yesterday, page 440, was corrected to show that Senate bill No. 91, House concurrent resolution No. 24 and House bill No. 348 were passed by the House as shown by message of same.

On motion of Senator Kearby, the journal of yesterday, page 437, was corrected to show his point of order on the amendment offered by Senator Simpson to Senate bill No. 4, as follows: "That the amendment was not in order, as it did not affect the substance of the bill and it sought to amend the original bill instead of House amendments."

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 21, 1893.

Hon. M. M. Crane, President of the Senate:
Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 270, entitled "An act to diminish the civil jurisdiction of the county court of Leon county,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

YOAKUM, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 223, entitled "An act to require county treasurers of the several counties of the State of Texas to report surplus school funds to board of education, and to provide how school funds shall be distributed and to prescribe penalties for failure to make such report, have had same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the accompanying amendment:

Amend section 1, line 3, by striking out "September" and inserting "June."

SMITH, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 21, 1893.

Hon. M. M. Crane, President of the Senate and Hon. J. H. Cochran, Speaker of the House of Representatives:

Your conference committee, to whom was referred the differences between your honorable bodies on

House bill No. 165, entitled "An act to amend an act passed by the Twenty-first Legislature, approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430, of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881,"

Have had the same under consideration, and recommend that the Senate adhere to the amendments and that the House concur therein.

E. C. SMITH,
A. M. DOUGLASS,
R. E. STEELE,
W. M. IMBODEN,
J. W. CRANFORD,

For the Senate.

ROGERS of Anderson,
WEINERT,
FIELDS,
ROGERS of Titus,
CHAMBERS,

For the House.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Education, to whom was referred

Substitute House bills Nos. 30, 115, etc., entitled "An act to provide for the more efficient system of public free schools for the State of Texas, defining the school funds, pro-

viding for the investment of the permanent fund and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the offices of State and county superintendents; providing for their election and salary, and prescribing their qualification and duties; prescribing the duties of other officers in reference to public schools and public school funds; making county judges ex-officio county superintendents, and providing for their compensation; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of school districts in all the counties of this State; providing for the levy and collection of special taxes for the further maintenance of the public free schools and the erection of school houses; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder, and preventing the altering or changing of teachers' certificates; regulating the transfer of school funds; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths, and providing penalties for refusing to answer questions in regard to the age of children, and other penalties for the violation of this act; and declaring an emergency."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

SMITH, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 20, 1893.

Hon. M. M. Crane, President of the Senate:

Sir: We, a minority of your Committee on Education, to whom was referred

Substitute House bills Nos. 30, 115, etc., beg leave to differ from a majority of said committee in reporting said bill unfavorably and respectfully submit the following as some of the reasons why said bill should pass.

It presents the school law altogether in a consistent and comprehensive form, making it plain, where in some instances it is now obscure, curing several defects in the existing law that could otherwise be remedied only by separate bills amending different portions of said law, and embodying some excellent features not found in the law as it now exists.

Among these improvements may be mentioned the following:

1. The law for distributing the school funds to the counties, cities and towns is made clear and specific.

2. The law requiring county superintendents to make monthly apportionments of the school fund is repealed.

3. A county superintendent or county judge is allowed to approve the voucher of a teacher as soon as he finishes a month and makes the required report.

4. The law in regard to the schools for white and colored children is so changed as to require impartial provision for both races instead of requiring that each race shall receive its full pro rata of the school fund.

5. The law in regard to holidays is made clear and specific.

6. The scholastic age is changed so as to read from 8 to 17 instead of from 8 to 16.

7. Provision is made for the payment of the salary of the county judge or county superintendant quarterly instead of in November after the close of the school year.

8. The terms of trustees is made two years instead of one, as in the present law.

9. Provision is made for permanent teachers' certificates.

10. Provision is made for using 25 per cent of the school fund of any district for a period of five years for building school houses.

11. Provisions is made for increasing, diminishing or abrogating a school tax.

12. Authority is given to consolidate adjacent school districts into one district when necessary for the good of the school system.

These are some of the principal changes sought by the bill. There are other minor points of improvement. The bill is not entirely free from defects, and needs considerable pruning and the addition of some amendments; but even in its present form is a decided improvement on the school law as it now exists.

For these reasons we believe that the bill should not have been reported unfavorably, but that with some amendments it should be enacted into law.

Respectfully submitted.

D. F. Goss,
WALTER TIPS.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 1, entitled "An act

to repeal chapter 100 of the General Laws of Texas, passed by the Twenty-second Legislature, April 11, 1891, entitled an act to protect stock raisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals, to make an appropriation therefor, and to repeal chapter 119, relating to the same subject, approved April 2, 1887, and to provide for a reward for scalps when ordered by the commissioners court of any county."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with the accompanying amendments:

LAWHON, Chairman.

Amend caption by striking out all after the figures "1887" and inserting in lieu thereof the following: "And to provide for the holding of elections in any county in this State by the freeholders thereof to determine whether or not said county shall pay for the scalps of certain wild animals and to fix the price to be paid therefor."

Amend section 4 by changing the number of said section to "Sec. 9," and by striking out all after the word "claims" in line 8 down to and including the word "act" in line 10.

Amend by striking out engrossed rider and section 2 and all of section 3 down to and including the words "section 2," and by adding in lieu thereof the following:

Sec. 2. That upon the written petition of twenty-five freeholders of any county the commissioners court of said county shall order an election to be held in said county on some day named in the order for the purpose of enabling the freeholders of such county to determine whether said county shall pay for the scalps of wild animals as hereinafter provided. Said petition shall designate the kind of scalps to be paid for, and upon the filing of the same the commissioners at its next session thereafter shall pass an order directing an election to be held throughout the county on a day to be designated in the order, not less than thirty days nor more than sixty days from the date of such order, to determine whether or not such county shall pay for the scalps of wild animals designated in said petition, which election shall be held and conducted and the returns thereof made in accordance with the laws regulating general elections in so far as the same are applicable.

Sec. 3. Immediately after the passage of such order the county judge shall issue an order for such election and cause public notice to be given for at least twenty days before the day of election by publication of the order thereof in some newspaper published in the county, if there be one, but if no newspaper be published in the county, then by posting copies of such order at the courthouse door, and at some public place in each commissioner's precinct. The order of the county judge shall specify the petition and action of the commissioners court, and the kind of scalps it is proposed shall be paid for, and the day of election; and said election shall be held at the usual voting places in said county, and no person shall vote at said election unless he be a freeholder in said county and also a qualified voter under the Constitution and laws of this State.

Sec. 4. All votes at such election shall be by ballot; and voters desiring that the county shall pay for the scalps designated in said order for election shall have written or printed upon their ballots the words: "For the scalp law," and those opposed to the county paying for such scalps shall have written or printed upon their ballots the words: "Against the scalp law."

Sec. 5. On or before the tenth day after any such election the persons holding such election shall make due returns of all the votes cast at their respective voting places, for and against said proposition, to the county judge of the county; and said returns shall be opened, tabulated and counted by the county judge, in the presence of the county clerk and at least one justice of the peace or two freeholders of the county, and if a majority of the vote cast at such election shall be for the scalp law, the county judge shall immediately issue his proclamation declaring the result, which proclamation shall be posted at the court house door, and thereafter said county shall pay for all scalps mentioned in the order for said election, at the rate and in the manner provided for in this act.

Sec. 6. Any county having adopted the scalp law as above provided, shall pay for scalps of wild animals at the following rates, to-wit: \$1 for each wolf; \$2 for each Mexican lion, tiger leopard or panther; 50 cents per dozen for prairie dogs, and 75 cents per dozen for jack rabbits; and said law shall

continue in force until repealed, as hereinafter provided.

Sec. 7. Should said election result against the scalp law, no other election for such purpose shall be held for the period of twelve months, should such election result in favor of the scalp law at any time after the expiration of twelve months, the commissioners court shall upon the written petition of fifty freeholders, order an election to determine whether or not said law shall be repealed, notice of which election shall be given and the election shall be held and returns made as hereinbefore provided for; and those favoring the repeal of said law shall have written or printed on their ballots the words: "For repeal of the scalp law," and those opposed to its repeal shall have written or printed on their ballots the words: "Against repeal of the scalp law."

Sec. 8. The commissioners court of any county that shall have adopted the scalp law, as herein provided shall at the first meeting thereafter enter an order on the minutes of said court to be paid to the person or persons having killed any of said animals in their respective counties after the adoption of said scalp law the sum prescribed in section 6 of this act.

COMMITTEE ROOM,
AUSTIN, TEXAS, March 22, 1893.

Hon. M. M. Crane, President of the Senate,
and Hon. J. H. Cochran, Speaker of the
House of Representatives:

Your joint committee, appointed to investigate the Commissioner of the General Land Office of the State of Texas with reference to charges of mismanagement in his office, beg to report:

We have examined numerous witnesses, and have been furnished by the Commissioner of the General Land Office with much documentary evidence, including lists of all sales made in Harris and Liberty counties, together with the name of the purchaser and the date of the purchase, and also maps of said counties, showing the lands that were not detached and isolated, and their relative locations. After diligent inquiry and mature deliberation we find that the Commissioner of the General Land Office has been guilty of palpable violation of the statutes of the State in this:

That in December, 1892, and in January, 1893, he sold the public school lands in Harris and Liberty counties to land agents and land speculators, when said lands had been reserved by law and intended to be

sold to actual settlers only, upon proof of actual settlement.

Section 22 of the act of 1887 (Twentieth Legislature), page 90, reads as follows: "The Commissioner of the General Land Office, under the direction of the Governor, may withhold from lease any agricultural lands necessary for purposes of settlement, or, in his discretion, he may lease such agricultural lands in small quantities for a less period than five years, as the public interests and the development of the country may require; and no agricultural lands shall be leased if in the judgment of the commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement and sold to actual settlers only under the provisions of this act; and all sections or fractions of sections in all counties organized prior to the first day of January, 1875, except El Paso, Pecos and Presidio counties, which sections are detached and isolated from other public lands, may be sold to any purchaser except to a corporation, at not less than \$2 per acre, upon such terms as the Commissioner of the General Land Office may prescribe.

By this section the people of Texas, in accordance with a well understood and clearly defined policy, attempted to prohibit the sale of public lands to other than actual settlers, except when such lands were isolated and detached from other public lands. Isolated and detached lands were subject to sale to any purchaser except a corporation, and lands that were not isolated and detached were set apart and reserved for sale to actual settlers only.

This law was passed in 1887, and during the first term of office of the present Land Commissioner the detached and isolated sections of land in Harris and Liberty counties were upon the market for sale to any purchaser, while the lands that were not isolated and detached were held for actual settlement in accordance with law. This obtained until about December 14, 1892, when the restriction was removed by the Land Commissioner as to Harris county, and those sections of land that had been held for sale to actual settlers were placed upon the market for sale to any purchaser, except a corporation, as isolated and detached lands. The same change of ruling was made as to Liberty county lands on January 20, 1893.

Prior to the opening up of this land

for sale to any purchaser there were about thirty-one sections in Harris county and twenty-six sections in Liberty county, which were connected and adjoined as shown by the maps, and were clearly not isolated and detached sections.

We further find that it was a rule in the Land Office, when lands were placed upon the market, to notify the county clerk of the county where the land was situated, and then not to make any sales within a reasonable time, so that the residents of such county would have an equal opportunity to apply for the purchase of such lands. We find that the Commissioner of the Land Office wrote a letter to the county clerk of Harris county on December 14, 1892, informing him that all unsold State school lands in Harris county had that day been changed from "requiring settlement" to not requiring settlement, in order to purchase. On December 16th, the clerk, by telegram, acknowledged the receipt of the Commissioner's letter. On December 14, 1892, we find that David Boaz, of Fort Worth, Texas, purchased two sections of said Harris county lands, and on December 16th, the remainder of said lands were sold mostly to land agents and land speculators in Travis county.

We also find that the Commissioner notified the county clerk of Liberty county by letter on January 21, 1893, that he had "yesterday" placed all the lands in Liberty county on the market under section 22 of the act of 1887, not requiring settlement. On January 23, the clerk acknowledged the receipt of the Commissioner's letter. On January 20, the day the land was placed upon the market, David Boaz of Fort Worth, purchased section 16 of said land.

We also find that a large portion of the Liberty county lands had been sold to residents in Austin, Travis county, before the said lands were placed upon the market. We find that as early as January 16 it was known to the land men and land speculators in Austin that the Liberty county lands were upon the market. H. P. Haldeman purchased as early as January 9; A. Swartz, January 11; P. J. Lawless, January 16, and W. F. Simmons of Harris county, January 19. In some instances we find that applications for purchase that were made prior to January 20 were marked "rejected," but afterwards, when the lands were placed upon the market, the sales were made upon such re-

jected applications, and the purchaser's rights accrued from the date of such application.

The evidence shows us that the giving of notice to the county clerk was a useless and glittering formality, for before a reply or an application for purchase could have been received by mail, nearly all the lands had been sold to land agents and land speculators in Austin, and to relatives of the clerks of the school land department.

The evidence before us shows that the Commissioner, up to the time the sales were made, gave the law the same construction that we do, and he refused to sell said lands to any person save and except the actual settler; and the evidence before us forces us to believe that the Commissioner was induced to change his policy concerning said lands and the construction of said law, through the persuasion of a coterie of land speculators, and said lands in both of said counties, aggregating over 30,000 acres, were placed upon the market and sold before the people living in said counties were cognizant of the fact.

The evidence before us further shows that said lands had recently become valuable because of the development of the rice and fruit growing industries in that section, and were in actual demand at increased prices.

We also find that during the month of December, 1892, David Boaz of Fort Worth presented to John McGaughey, the head of the school land department, and to R. M. Phelps, the school land classifier, each 500 shares of mining stock of the face value of \$500, and to L. S. Ross, jr., head of the sales department, one silk hat. We do not find that the said stock or hat was received with any wrongful purpose, but we severely depreciate the practice of heads of important departments and trusted clerks receiving gratuities from those with whom their offices bring them in contact. A favor bestowed usually expects a favor in return.

The evidence before us further shows that the Commissioner has placed his son, John McGaughey, aged 23 years, at the head of the school land department of said office; that he is inexperienced, and, in fact, inefficient and incapable of performing the difficult and onerous duties that necessarily devolve upon him in that responsible position.

The reference to this fact is an unpleasant duty to us, but when we think of the extraordinary trust and

power confided to the position that is occupied by the Commissioner's son, and the great interests that have to be controlled by him, we are constrained to say that his tender years and his want of experience in his line, and his unfamiliarity with the laws of our State concerning these lands, clearly demonstrates to our minds that he is not sufficient in age, experience, sagacity and learning to preside over the department to which he has been assigned.

Under the act of 1891, page 109, the Legislature appropriated \$2250 for salaries for two filing clerks in the Commissioner's office. The Commissioner was trying to get legislation to allow \$2600 for same two clerks, but the Legislature refused to concur with him as to the amount that should be appropriated, and appropriated only \$2250. Notwithstanding this the Commissioner did allow the two clerks \$2600, and drew it out of a special fund of \$6000, allowed by the Legislature for additional clerks and draftsmen. We believe this is an abuse of power that is inexcusable. The people, through the Legislature, have the unquestioned right to prescribe the amount of salaries due its employees, and no one at the head of any department should be permitted to usurp the right and set at defiance the expressed will of the people with impunity, and it would be, in our opinion, a simple act of justice to deduct the amount illegally used from the salary of the Commissioner.

RECOMMENDATIONS.

First. We would recommend that the Attorney General of the State of Texas be required to institute suits for the recovery of lands sold in the counties of Harris and Liberty by the Commissioner of the General Land Office in violation of the law.

Second. We believe the best interests of the State would be subserved by the Commissioner removing John McGaughey from his position as the head of the school land department, and appointing in his place a man of unquestioned ability; one well equipped by experience, training and knowledge for the arduous duties of chief of the school land bureau.

Third. We recommend that a law be enacted prohibiting the heads of all departments of State from employing any of their relatives in their offices.

C. H. YOAKUM,

Chairman.

PERRY J. LEWIS,

W. H. BROWNING,

On the part of the Senate.

J. L. MOODY,

A. H. MORRISON,

T. S. SMITH,

On the part of the House.

BILLS AND RESOLUTIONS.

By Senator Presler:

A bill to be entitled "An act to designate what counties shall compose the Twenty-ninth judicial district of the State of Texas, and to fix the times of holding courts therein, approved March 30, 1887, at the regular session of the Twentieth Legislature, amended February 15, 1889, amended March 5, 1889, so that the same shall hereafter read as follows."

Read first time and referred to Committee on Judicial Districts.

By Senator Agnew:

The following concurrent resolution:

Resolved by the Senate, the House of Representatives concurring, That the Twenty-third Legislature shall adjourn sine die on Monday, April 10, 1893, at 12 o'clock m.

Adopted.

Senator Baldwin called up Senate bill No. 91, "An act to validate patents heretofore and hereafter to be issued, and locations heretofore made by virtue of Confederate veteran donation land certificates," with House amendments, and moved that the Senate concur in House amendments.

House amendments read severally and adopted successively.

Senator Crowley called up Senator Smith's resolution, relating to the rescinding of the Cranford resolution amending the Senate rules.

The Senate refused to rescind by the following vote:

YEAS—9.

Agnew,	McComb,
Browning,	McKinney,
Crowley,	Shelburne,
Dickson,	Smith.
Imboden,	

NAYS—18.

Atlee,	Jester,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Cranford,	Presler,
Douglass,	Steele,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

ABSENT—2.

Simpson,	Whitaker.
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EXCUSED—2.

Dean,	Swayne.
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HOUSE MESSAGES.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 22, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate that the House has adopted the report of the free conference committee on

House bill No. 165, a bill to be entitled "An act to amend an act passed by the Twenty-first Legislature, approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 7, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, chapter 5, title 13, of the Penal Code of the Revised Statutes for the protection of fish and game, approved March 15, 1881."

Respectfully,

CHESTER HAILE,

Acting Chief Clerk House of Representatives.

Senator Agnew called up the resolution introduced by himself on yesterday, to-wit:

Resolved by the Senate, the House of Representatives concurring, That two days in each week, to-wit., Thursday and Friday, be set apart for the consideration by each House of bills coming from the other House, and on such days only such bills shall be considered so long as there are any such on either second or third reading upon the table of the President of the Senate or Speaker of the House of Representatives, which was adopted by the following vote:

YEAS—20.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Cranford,	McComb,
Dickson,	Simpson,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—8.

Bowser,	McKinney,
Browning,	Presler,
Crowley,	Shelburne,
Douglass,	Tips.

EXCUSED—2.

Dean,	Whitaker.
Swayne,	

Senator Kerby called up
Senate bill No. 14, a bill to be en-

titled "An act to amend articles 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3239a, 3239b, 3239c, title 63 of the Revised Civil Statutes of the State of Texas," with House amendments thereto, and moved that the Senate concur in said amendments.

Carried.

Call concluded.

BILLS ON THIRD READING.

The Chair laid before the Senate,

Senate bill No. 61, entitled "An act to refund to W. B. Brush the sum of two hundred and seventy-five dollars, purchase money paid by him as contractor of State sewer at Austin, Texas, under act of May 5, 1882, in acquiring for the State the right-of-way for said sewer."

Bill read third time.

Senator Ba'dwin moved the previous question on the passage of the bill, which was duly seconded and prevailed.

The bill failed to pass by the following vote:

YEAS—8.

Atlee,	McComb,
Crowley,	Shelburne,
Goss,	Smith,
Hutchison,	Tips.

NAYS—20.

Agnew,	Jester,
Baldwin,	Kearby,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McKinney,
Cranford,	Presler,
Dickson,	Simpson,
Douglass,	Steele,
Greer,	Woods,
Imboden,	Yoakum.

ABSENT—1.

Whitaker.

EXCUSED—2.

Dean,	Swayne.
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On motion of Senator Browning, Senator Whitaker was excused indefinitely on account of sickness.

On motion of Senator Agnew, Senator Goss was excused for non-attendance on the afternoon session of the Senate on last Monday.

Senator Imboden, by consent, offered the following resolution:

Resolved, That the President of the Senate be, and he is hereby, authorized to dismiss from the further service of the Senate such committee clerks, pages and porters as are not necessary to the transaction of the business of the Senate, and the cleanliness of the Senate chamber and departments.

Senator Baldwin moved to lay the resolution on the table.

Lost by the following vote:

YEAS—11.

Baldwin,	McKinney,
Bowser,	Shelburne,
Cranford,	Smith,
Crowley,	Steele,
Hutchison,	Woods.
Lewis,	

NAYS—17.

Agnew,	Jester,
Atlee,	Kearby,
Boren,	Lawhon,
Browning,	McComb,
Dickson,	Presler,
Douglass,	Simpson,
Goss,	Tips,
Greer,	Yoakum.
Imboden,	

EXCUSED—3.

Dean,	Whitaker.
Swayne,	

Senator Baldwin moved to refer the resolution to Committee on Finance.

Senator McComb moved the previous question on referring the resolution to Committee on Finance, which was duly seconded and prevailed.

The resolution was then referred to Committee on Finance.

By consent of the Senate,

Senator Yoakum introduced a bill to be entitled "An act to amend article 375, title 17 of the Revised Civil Statutes of Texas, as amended by an act approved March 30, 1889."

Read first time and referred to Committee on Towns and City Corporations.

Senator Kearby called up the conference committee report on

House bill No. 165, entitled "An act to amend an act passed by the Twenty-first Legislature, approved April 4, 1889, entitled an act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, chapter 5, title 13 of the Penal Code of the Revised Statutes for the protection of fish and game, approved March 15, 1881," and moved the adoption of the same.

The report was then adopted.

Senator Bowser's name being reached on roll, he called up

Senate bill No. 108, entitled "An act to create a board of warehouse commissioners, providing for the organization of public warehouses, and to

regulate the inspection and storing of grain, cotton, produce, wool and other merchandise; to provide for the appointment of said commissioners, and to prescribe their duties, and the appointment of inspectors and other assistants, and to provide for the compensation of the board of commissioners, inspectors and other assistants, and to provide a penalty for the violation of this act."

Bill read second time.

Action being on Senator Crowley's motion to

Substitute Senate bill No. 111, entitled "An act to provide for the organization of public warehouses and to regulate the warehousing of cotton, grain, and all other kinds of products, and all kinds of goods and mercantile commodities, and to define the ownership thereof,"

Senator Cranford moved to recommit the two bills to a special committee of five Senators.

Senator McComb offered the following bill as a substitute:

A bill to be entitled "An act to place public grain elevators and warehouses under the supervision and control of the railroad commissioners of the State, and to authorize the appointment of one chief inspector and his assistants of grain, cotton, sugar and other produce, wares and merchandise, and to provide for the compensation of said inspector and his assistants, and to provide penalties for the violation of this act."

Senator Crowley made the point of order that a substitute for a substitute was not in order.

Sustained.

Senator McComb then offered his bill as an original bill, and asked that it be referred to same committee.

The motion to refer to special committee of five was then,

Adopted.

The Chair announced the following as the special committee: Senators Bowser, Crowley, McComb, Woods and McKinney.

Senator Steele moved to reconsider the vote referring to a special committee.

Senator Baldwin moved to lay the motion to reconsider on the table.

Tabled.

Senator Imboden asked that unanimous consent be given Senator Bowser to call up some other bill.

Granted.

Senator Bowser then called up Senate joint resolution No. 4, to amend article 8, of the Constitution of the State of Texas, by adding to said

article an additional section to be numbered section 19.

Action being on the pending amendment of Senator Swayne, to-wit:

Amend by striking out the word "State" in line 10, section 19.

The amendment was adopted by the following vote:

YEAS—14.

Agnew,	Hutchison,
Baldwin,	Kearby,
Browning,	McKinney,
Cranford,	Steele,
Crowley,	Tips,
Dickson,	Woods,
Goss,	Yoakum.

NAYS—12.

Atlee,	Jester,
Boren,	Lewis,
Bowser,	Presler,
Douglas,	Shelburne,
Greer,	Simpson,
Imboden,	Smith.

ABSENT—2.

Lawhon,	McComb.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

By Senator Presler:

Amend line 12 by inserting the words "and invested" after the word "engaged."

Adopted.

By Senator Imboden:

Amend by adding after the word "manufacturing" in lines 6 and 7 of section 19, the words "stockraising, farming and all other business pursuits."

Senator Baldwin moved the previous question on the amendment which was duly seconded and lost.

Pending further action Senator Jester moved to adjourn to 3 p. m. to-day.

Adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—26.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,

Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

ABSENT—2.

Boren,	Lewis.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

Senator Tips called up

Senate bill No. 145, entitled "An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas as amended by the Twenty-second Legislature, chapter 101, page 161," with House amendments thereto, and moved that the Senate do not concur in said House amendments, and that a free conference committee be appointed to confer with a like committee of the House.

Carried.

The Chair announced Senate bill No. 76 (appropriation bill), as pending business.

Senator McComb moved to suspend pending business and take up

Senate bill No. 270, entitled "An act to diminish the civil jurisdiction of the county court of Leon county."

Carried.

Bill read second time and ordered engrossed.

On motion of Senator McComb, the constitutional rule requiring bills to be read on three several days, was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—26.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Browning,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dickson,	Shelburne,
Douglass,	Simpson,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

NAYS—none.

ABSENT—2.

Boren,	Bowser.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

Bill read third time and passed by the following vote:

YEAS—26.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Browning,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dickson,	Shelburne,
Douglass,	Simpson,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

NAYS—none.

ABSENT—2.

Boren,	Bowser.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

The Chair announced as a free conference committee on Senate bill No. 145, Senators Tips, Browning, Imboden, Steele and McKinney.

The Chair gave notice of signing and did sign

Senate bill No. 4, "An act to limit and regulate the ownership of real estate within this State by private corporations, foreign or domestic; to provide how and when such real estate shall be sold to natural persons, and to provide for the enforcement of this act; to provide for payment of attorney fees and costs of such suit, and for the disposition of the proceeds of said real estate; to provide that certain corporations may own real estate for certain purposes, and to repeal all laws in conflict with this act."

Senate bill No. 262, "An act to amend sections 14, 89 and 93 of an act entitled an act to grant a new charter to the city of El Paso, approved March 2, 1889.

Senate bill No. 210, "An act to fix the times for holding the courts in the Forty-seventh judicial district and to repeal all laws in conflict herewith," after the captions of same had been read.

The Chair laid before the Senate,

Substitute Senate bill No. 76, entitled "An act making appropriation for the support of the State government beginning February 28, 1893, and ending February 28, 1895, to cover deficiencies and for other purposes," on second reading, action being on the

TREASURY DEPARTMENT.

The items of appropriation for this department were read.

COMPTROLLER'S DEPARTMENT.

Items read.

By Senator Simpson:

Amend by striking out the words "none of whom shall receive more than" in lines 20 and 21, and 23 and 24, and "at not more than" in line 26.

Adopted by the following vote:

YEAS—14.

Atlee,	Lewis,
Baldwin,	McKinney,
Bowser,	Presler,
Browning,	Simpson,
Crowley,	Smith,
Greer,	Yoakum,
Lawhon,	Mr. President.

NAYS—12.

Agnew,	Jester,
Cranford,	Kearby,
Dickson,	McComb,
Douglass,	Steele,
Goss,	Tips,
Hutchison,	Woods.

PRESENT NOT VOTING—1.

Shelburne.

ABSENT—2.

Boren,	Imboden.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

By Senator Baldwin:

Amend line 21 by striking out "\$1250" and insert in lieu thereof "\$1000."

Lost.

By Senator Lewis:

Amend by adding the word "at" before "\$1250," in line 21, and by adding the word "at" before "\$1000," in line 24 of page 4.

Adopted.

By Senator Baldwin:

Amend by striking out "\$1000," in line 24, and insert in lieu thereof "\$1200," and strike out "\$10,000," in line 25, and insert in lieu thereof "\$12,000."

Lost.

GENERAL LAND OFFICE.

Items read.

By Senator Lewis:

Amend by striking out "\$2000" in line 24 and insert in lieu thereof "\$1500."

By Senator Yoakum:

Substitute the amendment.

Amend by striking out "\$2000" in line 24 and insert "\$1100."

The substitute was lost.

The amendment was adopted.

By Senator Steele:

Amend by striking out lines "18 and 19," page 5.

Adopted.

By Senator Simpson:

Amend by striking out "not to exceed" in lines 35, 37 and 39 on page 6.

By Senator Yoakum:

Substitute:

Amend by striking out "\$20,000" in line 40 and insert "\$10,000" on page 6.

Senator Baldwin made the point of order that the substitute was not germane to the amendment.

Senator Yoakum withdrew his substitute.

Senator Simpson's amendment was then adopted.

By Senator Yoakum:

Amend by striking out "\$20,000" in line 40, and insert "\$10,000," page 6.

Lost.

ATTORNEY GENERAL'S DEPARTMENT.

Items read.

By Senator Smith:

Amend line 4, by striking out "\$2000" and inserting "\$1800."

Adopted.

Senator Imboden moved to reconsider the vote by which the amendment offered by Senator Smith was adopted.

Senator Steele moved to lay the motion to reconsider on the table.

Tabled by the following vote:

YEAS—14.

Agnew,	Jester,
Atlee,	Lewis,
Browning,	McKinney,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Woods,
Hutchison,	Yoakum.

NAYS—11.

Baldwin,	Lawhon,
Cranford,	McComb,
Crowley,	Presler,
Greer,	Simpson,
Imboden,	Tips.
Kearby,	

ABSENT—3.

Boren,	Shelburne.
Bowser,	

EXCUSED—3.

Dean,	Whitaker.
Swayne,	

By Senator Atlee:

Strike out in line 1 the words "and fees."

Strike out also "\$3500" and insert in lieu "\$2000."

Adopted.

By Senator Atlee:

Amend line 1 so as to read "and out of fees of office. \$2000."

By Senator Douglass:

Amend the amendment by striking out "\$2000" and inserting "\$1500."

Pending action, Senator Cranford moved to postpone further consideration of this item till the remainder of the bill be considered.

Carried.

ADJUTANT GENERAL'S OFFICE.

Items read.

By Senator Simpson:

Amend by striking out "20,000" in line 21, page 7, and inserting in lieu thereof "35,000."

By Senator Smith:

Substitute:

Amend lines 11 to and including line 21 by striking out "\$20 000" and insert "\$15,000."

Lost.

Senator Simpson's amendment was then lost.

By Senator Hutchison:

Amend by striking out all after the word "law," on page 7, down to and inclusive of the word "Governor," in line 21.

By Senator Steele:

Substitute the amendment:

Amend by striking out "20,000," in line 21, and insert "16,000."

Lost.

Senator Hutchison's amendment was then lost by the following vote:

YEAS—11.

Baldwin,	McKinney,
Browning,	Presler,
Dickson,	Smith,
Hutchison,	Woods,
Imboden,	Yoakum.
Lawhon,	

NAYS—15.

Agnew,	Jester,
Atlee,	Kearby,
Bowser,	Lewis,
Cranford,	McComb,
Crowley,	Simpson,
Douglass,	Steele,
Goss,	Tips.
Greer,	

ABSENT—2.

Boren,	Shelburne.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

By Senator Baldwin:

Amend by striking out all from line 1 to line 27, both inclusive.

Senator Jester moved to lay the motion on the table.

Tabled.

By Senator Dickson:

Amend line 4 by striking out "400" and insert "300."

Lost.

Senator Atlee moved to reconsider the vote postponing consideration of the Attorney General's department.

Carried.

By Senator Atlee:

Substitute for the amendment and the amendment to the amendment:

Amend item "one" so as to read "for salary of Attorney General for each year, \$2000, and the further sum of \$2000 per year or so much thereof as may be necessary to pay such fees as may be prescribed by law."

Adopted.

The amendment as substituted was then adopted.

ADJUTANT GENERAL'S DEPARTMENT.

By Senator Baldwin:

Amend line 9, by striking out "\$40,000," and insert in lieu thereof "\$5000."

Senator Imboden moved to table the amendment.

Tabled.

RAILWAY COMMISSION.

By Senator Simpson:

Amend by inserting after line 11, on page 8, the following words:

"Provided, that the payment of the appropriations set forth in lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, on page 8, shall not take effect and be in force until a final favorable report upon the constitutionality of the law creating the railway commission be had in the United States courts of final resort."

Senator Agnew moved to table the amendment.

Tabled by the following vote:

YEAS—21.

Agnew,	Jester,
Atlee,	Kearby,
Bowser,	Lawhon,
Browning,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dickson,	Steele,
Douglass,	Tips,
Goss,	Woods,
Hutchison,	Yoakum,
Imboden,	

NAYS—5.

Baldwin,	Simpson,
Greer,	Smith.
Lewis,	

ABSENT—2.

Boren,	Shelburne.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

By Senator Lewis:

Amend by striking out all of line 7.

Lost.

By Senator Smith:

Amend line 4 by striking out "\$15,000" and inserting "\$1500."

Senator Crowley moved to table the amendment.

Tabled by the following vote:

YEAS—18.

Agnew,	Kearby
Browning,	Lawhon,
Cranford,	McComb,
Crowley,	McKinney,
Dickson,	Presler,
Douglass,	Steele,
Goss,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

NAYS—8.

Atlee,	Hutchison,
Baldwin,	Lewis,
Bowser,	Simpson,
Greer,	Smith.

ABSENT—2.

Boren,	Shelburne.
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EXCUSED—3.

Dean,	Whitaker.
Swayne,	

By Senator Simpson:

Amend by striking out lines 5 and 6, page 8.

Senator Imboden moved to table the amendment.

Tabled.

By Senator Hutchison:

Amend line 4, page 8, by striking out "\$15,000" and inserting "\$10,000."

Lost.

Senator McComb moved to postpone further consideration of this item till the remainder of the department be considered.

Lost.

By Senator Baldwin:

Amend line 4, by striking out "\$15,000" and inserting "\$12,000."

Lost.

By Senator Lewis:

Amend after line 11: "Provided that the appropriation of \$3000 each year for two regular clerks at \$1500 each, and the appropriation of \$15,000 for the pay of experts and other necessary expenses, and the appropriation of \$5000 for sheriffs and witness fees and mileage, be not operative and in force during the time the working of the railway commission is enjoined by the courts."

Senator Imboden moved to table the amendment.

Lost.

The amendment was then lost.

Senator Imboden moved to reconsider the vote by which the amendment was lost and to lay that motion on the table.

The motion to reconsider was tabled by the following vote:

YEAS—15.

Agnew,	Jester,
Browning,	Kearby,
Cranford,	Lawhon,
Crowley,	McKinney,
Dickson,	Steele,
Douglass,	Woods,
Hutchison,	Yoakum.
Imboden,	

NAYS—10.

Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	Simpson,
Goss,	Smith,
Greer,	Tips.

ABSENT—3.

Boren,	Shelburne.
Presler,	

EXCUSED—8.

Dean,	Whitaker,
Swayne,	

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 22, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 210, being "An act to fix the time for holding the courts in the Forty-seventh judicial district, and to repeal all laws in conflict herewith,"

And find the same correctly enrolled, and have this day, at 3:33 p. m., presented the same to the Governor for his approval.

IMBODEN, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 22, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 262, being "An act to amend sections 14, 89 and 93 of an act entitled an act to grant a new charter to the city of El Paso, approved March 2, 1889,"

And find the same correctly enrolled, and have this day, at 3:33 p. m., presented the same to the Governor for his approval.

IMBODEN, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 22, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 4, being "An act to define perpetuities and prevent land monopolies, to limit and regulate the use and ownership of lands by corporations, and to provide for the alienation, forfeiture and escheat of lands held in violation of the laws of Texas,"

And find the same correctly enrolled, and have this day, at 3:33 p. m. presented the same to the Governor for his approval.

IMBODEN, Chairman.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 22, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

Substitute House bill No. 227, a bill to be entitled "An act to define franchises; to make public the value of railroads; to make effective section 6, article 12 of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same, to prescribe penalties for violating the provisions of the act, and to prescribe the duties of the railroad commission and the Attorney-General in relation thereto," with the following engrossed rider:

Amend section 6 in line 7 of the engrossed bill by striking out the word "ten" and inserting "fifty" between the words "than" and "per."

Respectfully,

CHESTER HAILE,
Acting Chief Clerk House of Representatives.

On motion of Senator Jester, Senate adjourned to 10 o'clock to-morrow morning.

SIXTY-SECOND DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, March 23, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names: